

**STATEMENT OF SUBSTANCE OF INTERVIEW**

Applicants thank Examiner McDonough and Supervisory Patent Examiner Lorengo for the courtesies extended at the telephonic interview with Applicants' representative, Richard W. Ward, on July 11, 2007. During the interview, Examiner McDonough explained his rejection of independent claims 125 and 126 over Yu (US Statutory Invention Registration H766). Examiner McDonough and Supervisory Patent Examiner Lorengo also provided suggestions to Applicants' representative relating to further limitations of the claims which may result in patentable subject matter. Applicants' representative indicated that the Yu reference, at least, was not sufficient to anticipate or render obvious existing dependent claims, and that a response would be forthcoming from Applicants.

**REMARKS**

Claims 78-92, 94-118, and 125-166 are pending. Claims 119-124 are canceled by this amendment without prejudice for prosecution in a divisional application. Claims 125 and 126 are amended. Claims 162-166 are new. Support for the amended and new claims may be found, *inter alia*, in the paragraphs bridging pages 8-9 and the first paragraph of page 46. No new matter is added. Favorable consideration is respectfully requested.

**103(a) Rejection**

Claims 78-92, 94-118 and 125-161 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over Yu (US Statutory Invention Registration H766). Applicants point out that claim 93 has been previously canceled and should therefore not have been rejected. Applicants traverse the remaining rejections.

While not agreeing with the Examiner's rejection of the claims, Applicants' have nonetheless amended claims 125 and 126 to better clarify the invention. It is submitted that the Examiner's rejection over Yu is moot in view of such amendments, which further differentiate over Yu.

Amendments to claims 125 and 126 further emphasize that the catalyst compounds individually have “substantially no catalytic activity for a polyester polymerization.”<sup>1</sup> The Examiner is directed to the last full paragraph of page 55 of the specification, which defines “substantially no catalytic activity for polyester polymerization.” Experimental data relating to this limitation may be found, *e.g.*, in Table 1-8 on page 138. Compare comparative examples 1-12 to 1-23 (components having substantially no catalytic activity for a polyester polymerization) with comparative example 1-26 (antimony trioxide, which has substantial catalytic activity). The Examiner has not identified any portion of the Yu reference which teaches, suggests, or discloses the use of catalysts which necessarily meet this limitation, other than asserting that Yu “discloses that a mixture of a metal compound and a phenol may be used as the catalyst,” and that the “phenol correspond[s] to present formula 1 of claim 125.” While the phenol ambiguously identified by the Examiner may meet the limitation relating to lack of catalytic activity,<sup>2</sup> the Examiner has failed to address the catalytic activity of the metal-containing component.

In addition, further amendment to claim 125 specifies a required activity parameter which is also not necessarily suggested, taught, or anticipated by the Yu reference in combination with the other limitations of the claim.

Furthermore, the Examiner is directed to the following representative dependent claims:

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 96.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 97.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 98.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 99.

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<sup>1</sup> A similar limitation was already in the claims, but the limitations have been rewritten to emphasize the limitations' importance, and to clearly indicate that the at least one metal-containing catalyst has substantially no catalytic activity for a polyester polymerization, not just the subset of metal compounds.

<sup>2</sup> The concentration of compound may affect catalytic activity, and the Examiner has not identified the concentration of phenol used (let alone, the type of phenol used), and the resulting catalytic activity thereof.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 100.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 101.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 102.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 103.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 104.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 105.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 106.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 107.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 108.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 109.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 110.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 111.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 112.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 113.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 114.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 115.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 116.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 117.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 118.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 144.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 145.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 146.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 147.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 148.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 149.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 150.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 151.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 152.

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--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 156.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 157.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 158.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 159.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 160.

--The Examiner has not indicated how Yu renders obvious or anticipates the use of a compound containing a moiety as claimed in claim 161.

These representative claims recite compounds which applicant has proven, through extensive experimentation (see experimental results on pages 128-171), to achieve surprisingly increased activity as polycondensation catalysts when used with a second component. *See* page 8, first full paragraph. It is noted that the Examiner has not recited even a single combination catalyst (a combination of a metal-containing component and an organic component) which meets the limitations of representative claims above, let alone, the limitations of the independent claims as currently presented.

New claims 162-166 also further differentiate the instant invention from Yu. No new matter is added.

--Claims 162 and 163 recite a specific thermal stability degree ("TD") of a polyethylene terephthalate polymerized using the instant invention. An example of conducting a test for TD is provided in the second full paragraph of page 75 of the specification.

--Claims 164 and 165 recite specific methods of catalyst addition.

--Claim 166, as in the similar amendment to independent claim 125, recites a required activity parameter ("AP") for the claimed combination catalyst. Yu does not present even a

single specific example of a process having a combination catalyst which necessarily has such an AP value.

**CONCLUSION**

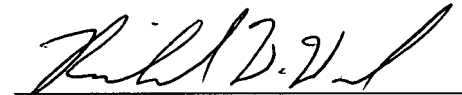
For at least the above reasons, Applicants respectfully submit that the instant application is in condition for allowance, and request a notice from the USPTO to that effect. If the Examiner disagrees that application is not in condition for allowance, he is encouraged to contact Applicants' representative at 202-220-4268 to resolve any outstanding issues.

The Office is authorized to charge any fees (except for an issue fee), including fees for extensions of time, or credit any overpayment, to Deposit Account No. 11-0600 referencing Docket No. 11197/5.

Respectfully submitted,

KENYON & KENYON LLP

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